IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 745 OF 2005

Mrs. Sarala Shetty & Ors. ..Petitioner.

Versus

Mr. Prakash Mistry & Ors. ..Respondents.

Mr.H.S.S. Murthi for the Petitioner.

Mr. A.A.Kumbhakoni with Tejas Deshmukh for the Respondent No. 1.

Mr. H.K. Sudhakara, the Respondent No.7 -in person.

Mr.M.P.Rao i/by K.Bantwala for Respondent Nos.1 to 9.

CORAM : S. A. BOBDE, J.

DATED : 12TH SEPTEMBER, 2005.

P.C.:

1. Rule returnable forthwith.

Mr. Kumbhakoni, learned counsel for respondent No.1 and Mr. Rao for respondent Nos. 1 to 9 waives service of rule.

2. Admittedly the term of the managing committee of the Public Trust is over. Therefore, their

elections need to be held. Hence, following order is passed by consent :-

ORDER

i. The elections of the Trust shall be held by Mr. S.M. Rego, Retired Judge, City Civil Court, who shall take all steps necessary for conducting the elections including the scrutiny of the voters list. He shall invite and decide objections, if any, regarding the voters list in accordance with the bye-laws of the Society.

ii. In the meanwhile, pending the General Body Elections, the Trust shall be administered by an Adhoc Committee, comprising of the following members of both sides :-

1) Mr. Sarala Shetty - Petitioner No.1
2) Mr. D.B.Shetty - Petitioner No.2
3) Mrs.Jayalaxmi Shetty - Petitioner No.3
4) Mr. Anand Shetty - Petitioner No.6

And

1) Prakash Mistry - Respondent No.1
2) Anand Shetye, - Respondent No.5

3) Tatya Lokare - Respondent No.6

4) H.K.Sudhakara - Respondent No.7

iii. The aforesaid Managing Committee shall not take any major policy decisions involving, finance, expenditure, alienation of the property. This shall not prevent the Committee from carrying on the regular business of the Trust.

iv. The fees of Mr. Rego are fixed at Rs. 20,000/-. This amount shall be contributed by the petitioners and respondents equally.

3. Petition is disposed of in the above terms.

DT.12.09.05 (S.A.BOBDE,J)

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